IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICGTION

Notice of Motion No. 1518 of 2003

in

SUIT NO. 3592 of 1990

Bank of Maharashtra .... Plaintiffs

vs.

Shrifarm Pharmaceuticals &
Chemicals Pvt. Ltd. & ors. ... Defendants

Mr. Sachin Joshi i/b.
Puranik & Co., for plaintiffs
Mr. Ruchir Tolat i/b. L.C. Tolat for declarants.

CORAM: **A. S. AGUIAR J.**

Date: 8/7/2005

P. C. :

This motion is for restoration of the suit which was dismissed on 10th April 2003. Learned counsel for the Plaintiffs states that none appeared on behalf of the Plaintiffs on that date as the concerned court clerk did not inform the advocates for Plaintiffs of the matter having appeared on Board and accordingly when the matter was called out none appeared on behalf of the Plaintiffs and hence the mater came to be dismissed for default. Learned counsel for the Plaintiffs points out that the matter was on Board under the caption 'for want of written statement against declarant nos. 3, 4 and 7. He further states that he came to know of the dismissal on the same day and made an oral application to the concerned Judge for restoration of the suit. However, he was directed to file a written application. This notice of motion for restoration has been taken out within a month of the dismissal of the

suit .

For the reasons set out in para 5 of the affidavit in support of the notice of motion made absolute in terms of prayer clause (a). Suit to stand restored to file and to appear on board under the same caption, that is, “for want of written statement”. Notice of motion accordingly stands disposed of.

(A.S.Aguiar J.)